



MEMO ENDORSED

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January 17, 2008

BY FACSIMILE

The Honorable James C. Francis IV
United States Magistrate Judge, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1960
New York, New York 10007-1312

Re: Abdell, et al., v. City of New York, et al. 05 CV 8453 (RJS) (JCF)

Dear Judge Francis:

Pursuant to Rule 37(b) of the Federal Rules of Civil Procedure, defendants move to dismiss the emotional distress claims of plaintiff Katherine Poe. On April 4, 2007, Your Honor issued an order that Poe "shall produce . . . authorizations [for her 2004 treatment at the Renfrew Center] no later than April 16, 2007, failing which [her] emotional distress claims shall be summarily dismissed."¹ To date, Poe has not provided the required authorizations or releases. Accordingly, her emotional distress claims should be dismissed with prejudice. //

Respectfully submitted,

Jeffrey A. Dougherty

2/14/08
Application granted.

so ORDERED.

James C. Francis IV
VSM/J

¹ A copy of Your Honor's April 4, 2007 Order is attached as Ex. A.